IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3844 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NAIMESHKUMAR B SHAH

Versus

STATE OF GUJARAT

Appearance:

MR MK VAKHARIA for MR KG VAKHARIA for Petitioner

MS HANSA PUNANI, ld.AGP for Respondents

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 27/09/2001

ORAL JUDGEMENT

The petitioner in this petition has challenged the vires of Clause 3, Clause 5 and Clause 8 and other relevant Clauses of the Gujarat Rice Procurement (Levy) Order, 1983 on the ground that they are ultra vires to

Articles 14, 19 and 300-A of the Constitution of India. The petitioner has also prayed for appropriate direction directing the respondents, their agents and servants to hand over the quantity and variety of rice as mentioned in Annexure.B and paragraph 3.4 of the petition back to the petitioner and/or to pay the difference of the purchase price at prevailing market price to the petitioner.

By way of amendment to the petition, further relief was prayed for quashing and setting aside partly the order Annexure.E in so far as it disallows the prayer for return of 260 quintals of rice and disallows the prayer for the payment of market price of the rice illegally taken in levy.

At the time of hearing of this petition, learned Counsel appearing for the petitioner stated that the State Government has substituted the Gujarat Rice Procurement (Levy) Act, 1983 by the order of 1984, which is not challenged in this petition and therefore, the prayer for declaring Clause 3, Clause 5 and Clause 8 of the Order of 1983 has become infructuous. As far as the prayer for return of the quantity of the rice and/or paying the difference of the purchase price at the prevailing market price is concerned, it was submitted by the learned Counsel, under instructions from the petitioner, that he does not press the same. In that view of the matter, nothing further is required to be done in the matter. The petition accordingly stands rejected. Rule is discharged. No order as to costs.

27th Sept.2001 (K.R. Vyas, J.)

Sreeram.